

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CHARLES KORMANIK JR.

Application No. 08/802,472

MAILED

MAY - 6 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 5, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On July 30, 2004, appellant filed an amendment. A review of the file reveals that the examiner has not indicated the status on entry or non-entry of the amendment. In the appeal brief filed August 4, 2004, a statement by the appellant only states that the examiner approved the entry of this amendment via telephone agreement (see prgh. V, p. 5). No other evidence of

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this agreement by the examiner is indicated (see the examiner's answer mailed October 20, 2004, Status of Amendment section, p. 2). Before further review, the examiner must give a clear indication to the disposition of the amendment filed July 30, 2004.

Also, a review of the file reveals that the fee was not charged for the appeal brief filed August 4, 2004. Before further review of this file, the appeal brief fee must be applied to the appellant's account.

In addition, the appendix to the appeal brief filed August 4, 2004, contains errors. Claim 51, lines 10 and 11 should read --hollow- not "hallow." Also, claims 52-57 in the appendix to the appeal brief incorrectly include the phrase "claim 34" instead of --claim 51--. Appropriate correction is required.

Accordingly, it is

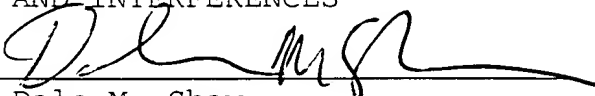
ORDERED that this application be returned to the examiner for: 1) status on entry or non-entry of the amendment filed March 8, 2004; 2) entry of the Appeal Brief fee; 3) correction by appellant of the appendix to the brief or notification by the examiner that the appendix to the appeal brief of claims 51-57 is defective; and 4) for such further action as may be appropriate.

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It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

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